IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.Rev.Pet.No. 2665 of 2007()

CRA.76/06 OF THE COURT OF III ADDL.SESSIONS JUDGE(ADHOC), THRISSUR
CC.482/01 OF JFCM-III, THRISSUR

REVN. PETITIONER: APPELLANT/ACCUSED

SAJU, S/O. JOSE,
KOLLANNUR HOUSE, PALAKKAD VILLAGE,
VENNAKKARA DESOM, RESIDING IN ANUGRAHA COLONY,
PALAKKAD.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.R.P. No. 2665 OF 2007

Dated this the 12th day of July, 2007

O R D E R

Petitioner, who was the sole accused in C.C.No.482/2001 on the file of the JFCM-III, Thrissur for offences punishable under sections 279 and 337 IPC, challenges the conviction entered and the sentence passed concurrently against him by the courts below. For the conviction under section 279 IPC, he has been sentenced to undergo simple imprisonment for four months and to pay a fine of Rs.1,000/- and on default to pay the fine to suffer simple imprisonment for one month. For the conviction under section 337 IPC, the petitioner has been sentenced to undergo simple imprisonment for four months and to pay a fine of Rs.500/- and on default to pay the fine to suffer simple imprisonment for one month.

2. After hearing both sides and after considering the facts and circumstances of the case, eventhough sitting in the rarefied revisional jurisdiction, this court will not be justified in dislodging the conviction concurrently recorded by the courts below, I do not think that penal servitude by way of incarceration is warranted in

the facts and circumstances of the case. I am of the view that imprisonment till the rising of the court and an appropriate direction for compensation will meet the ends of justice. Accordingly, for his conviction under section 279 IPC, the revision petitioner is sentenced to undergo imprisonment till the rising of the court and to pay a fine of Rs.2,000/-(Rupees two thousand only) and on default to pay the fine to suffer simple imprisonment for one month. For his conviction under section 337 IPC, the revision petitioner shall undergo simple imprisonment till the rising of the court and to pay a sum of Rs.5,000/-(Rupees five thousand only) by way of compensation under section 357(3) Cr.P.C. to PW1, the injured. The compensation shall be paid within one month from today, failing which he shall suffer default sentence of simple imprisonment for two months. The substantive sentence of imprisonment till the rising of court shall run concurrently.

In the result, this revision petition is disposed of confirming the conviction and modifying the sentence as above.

(V. RAMKUMAR, JUDGE)

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